

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON
BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS**

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter XXII, Development Regulations, of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to amend certain portions of the Development Regulations relating to *Section 2 (Definitions)* define tree and street tree; *Section 3 (Administration)* fee for Residential Minor Subdivision Escrow; *Section 5 (Zoning District Restrictions)* the building roof height requirements for Historic Barley Point Seasonal Residential Zone; *Section 7 (General Zoning Provisions)* generator size, real estate signs and as-built grading plan; and *Schedule 5-1* clarify minimum rear yard size *of the Development Regulations of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

SECTION 1

Chapter XXII (Development Regulations) Section 2 DEFINITIONS, Subsection 2.4 Definitions. Shall be amended as follows:

22-2.4 Definitions.

Certain words, phrases, and terms in this chapter are defined for the purpose herein as follows:

Accessory building, structure or use through *Transcript* No Change.

Tree shall mean any living deciduous or coniferous (evergreen) tree which is six (6) inches in caliper or greater, with a normally anticipated mature height of twenty (20) feet or greater.

Tree, street shall mean any deciduous hardwood shade tree located within the Borough or County right-of-way.

Trip through *Zoning permit* No Change.

SECTION 2

Chapter XXII (Development Regulations) Section 3 ADMINISTRATION, Subsection 3.14 Fees shall be amended as follows:

22-3.14 Fees.

The developer shall, at the time of filing an application, pay a nonrefundable fee to the Borough of Rumson by cash, certified check, or bank draft in accordance with the current fee schedule adopted by the Borough Council on file in the Borough Clerk's Office. The fee to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination of approvals such as subdivision, site plan, and/or variance, shall pay a fee equal to the sum of the fee for each element. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section. The amount of any fees for an informal review shall be a credit toward fees for review of the application for development. Additional fees may be assessed for extraordinary review costs not otherwise covered by this section as a refundable application escrow fee as specified herein.

a. *Application for Development (Zoning) Permit:* through 1. List of property owners furnished: Twenty-five (\$.25) cents per name or ten (\$10.00) dollars, whichever is greater.

No Change.

m. *Refundable Application Escrow Fees.* The fees required by this subsection shall be for the purpose of reimbursing the Borough for direct fees, costs, charges and expenses of an extraordinary

nature made by the professional consultants retained by or on behalf of the Borough and/or its boards, commissions or agencies in reviewing, testifying and/or assisting the Borough in the evaluation, planning and proper design of municipal services and facilities necessary to accommodate the present or anticipated needs of a proposed development.

1. through 5. No Change.

6. Refundable Application Escrow Fees. Development applications involving residential and nonresidential construction will be subject to all escrow determined by adding the residential and nonresidential components shown below:

Residential Minor Subdivisions Escrow Fees shall be \$2,000.00 per lot proposed.

<i>Residential</i>	<i>Escrow</i>
Minor Subdivision	\$ 2,000.00
0—24 Units or Lots	\$ 3,500.00
25—50 Units or Lots	\$ 7,000.00
51—150 Units or Lots	\$10,000.00
151—500 Units or Lots	\$20,000.00
501+ Units or Lots	\$30,000.00

Commercial Development

NOTE: Use the greater of the escrow amounts determined from the floor area and parking space tables below:

<i>Based on Floor Area</i>	<i>Escrow</i>
0—1,000 S.F., GFA	\$ 2,000.00
1,001—10,000 S.F., GFA	\$ 4,000.00
10,001—50,000 S.F., GFA	\$ 6,000.00
50,001—100,000 S.F., GFA	\$ 9,000.00
100,001+ S.F., GFA	\$12,000.00

<i>Based on Parking Spaces</i>	<i>Escrow</i>
0—5 spaces	\$ 2,000.00
6—25 spaces	\$ 5,000.00
26—100 spaces	\$15,000.00
101—500 spaces	\$20,000.00
501+ spaces	\$25,000.00

n. *Nonrefundable Inspection Fees.* through bb. *Stormwater Management and Control Fees.*
No Change.

SECTION 3

Chapter XXII (Development Regulations) Section 5 ZONING DISTRICT RESTRICTIONS, Sub-Section 5.14 Regulations Controlling the H-BP Historic-Barley Point Seasonal Residential Zone District shall be amended as follows:

22-5.14 Regulations Controlling the H-BP Historic-Barley Point Seasonal Residential Zone District.

- a. *Permitted Uses.* through d. *Conditional Uses.* No Change.
- e. Zoning requirements, standards and regulations shall be in accordance with the following:
1. Minimum Lot Area. through 8. Maximum Gross Floor Area. No Change.
9. Building Height. The height of a residential bungalow unit shall not exceed nineteen (19') feet from the finished first floor to the highest point on the roof, ~~and the~~ The highest point on the roof peak shall not be more than twenty-one (21') feet above the minimum first floor elevation as required by the National Flood Insurance Program (FEMA) as shown on the adopted DFIRM or the Advisory Base Flood Elevation Map identified within the Documents referenced in subsection 17-3.2, whichever is greater.
10. Building to Building Setback. through 15. Floor Projections. No Change.

SECTION 4

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Sub-Section 7.7 Yard Areas, Building Orientation, and Fenestration shall be amended as follows:

22-7.7 Yard Areas, Building Orientation, and Fenestration.

a. through j. No Change.

k. Generators shall: 1) be provided with a sound attenuation enclosure properly designed by the generator manufacturer for both adequate airflow as well as significant sound reduction and shall have a critical muffler unless waived by the administrative officer (Zoning Officer) who may require certification of sound levels; 2) not be located between a principal structure (or the projection of the face of a principal structure) and any street; 3) conform to the minimum setback requirements for principal structures for all generators greater than ~~20 kW~~ 22 kW or conform to the minimum setback requirements for accessory structures for all generators ~~20 kW~~ 22 kW or smaller; and 4) be located entirely within twenty-five (25') feet of the principal structure; or waived by the administrative officer (Zoning Officer) for an alternate location that meets the required accessory or principal setback (Example: Unit located by detached garage).

SECTION 5

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Sub-Section 7.24 Signs shall be amended as follows:

22-7.24 Signs.

All signs shall conform to the provisions of this section and to the applicable requirements of the New Jersey Uniform Construction Code.

a. *General Objectives.* through c. *General Standards.* No Change.

d. *Permitted Signs.*

1. Exempt Signs. The following signs shall be exempt from the requirement of obtaining a development permit:

(a) through (u) No Change.

(v) ~~Contractor~~ Emergency contact contractor site identification signs for new construction shall be a maximum of six (6) square feet and shall include only the name, telephone number and e-mail address (if applicable) of the contractor, and the address or location and block and lot numbers of the property. Signs are to be located twenty-five (25') feet off the roadway or fifty (50%) percent of the distance between the roadway and the front of the structure, whichever is the lesser. Signs are to be placed parallel to the roadway and in the front yard only, unless approved by the Code Enforcement Officer. All signs are to be no more than thirty-six (36") inches off the ground to the highest point, including the posts.

(w) No Change.

2. Exempt Sign(s) Limitations. through 3. Regulated Signs. No Change.

SECTION 6

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Sub-Section 7.27 Soil Removal and Fill shall be amended as follows:

22-7.27 Soil Removal and Fill.

a. through b. No Change.

c. Unless otherwise permitted by the Municipal Agency, the Construction Official or his designee, a grading plan and/or accompanying information must conform to the following minimum standards:

1. through 6. No Change.

7. If the project is subject to the Tree Protection Ordinance, the grading plan must show the locations of all existing trees and street trees referred to in subsections 16-1.4a, 1-and 2 of the Tree Protection Ordinance. If street trees are not present, the plan shall reflect locations of proposed street trees at a fifty (50') foot interval to be located within ten (10') feet of the road edge and not between the curb and sidewalk, or in a location approved by the Tree Conservation Officer or the Rumson Shade Tree Commission.

8. through 14. No Change.

d. through f. No Change.

g. At the completion of all construction activity when a grading plan was required or when requested by the Construction Official and prior to the issuance of a certificate of occupancy, an as-built grading plan shall be submitted for review by the Construction Official or other Borough Officials as necessary. The as-built grading plan shall include, but not be limited to show the full extent of the subject improvements, building corners elevations, finished floor elevations, garage floor elevations, ground spot elements, one (1') foot interval contours, curbs, sidewalks, patios, decks, driveways, and any other relevant information.

SECTION 7

Chapter XXII (Development Regulations) Schedule 5-1 SCHEDULE OF ZONING DISTRICT REGULATIONS shall be amended as follows:

BOROUGH OF RUMSON—SCHEDULE 5-1 SCHEDULE OF ZONING DISTRICT REGULATIONS

CHART No Change.

NOTES:

(1) through (12) No Change.

(13) In the R-4 zone, the minimum rear yard required shall be at least 30% of the lot depth, rounded up to the full foot, or 40 feet, whichever is greater, but not to exceed 50 feet.

(14) In the R-5 zone, the minimum rear yard required shall be at least 30% of the lot depth, rounded up to the full foot, or 35 feet, whichever is greater, not to exceed 50 feet.

(15) In the R-6 zone, the minimum rear yard required shall be at least 35% of the lot depth, rounded up to the full foot, or 35 feet, whichever is greater, but not to exceed 50 feet.

(16) through (20) No Change.

SECTION 8

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 9

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 10

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Introduced: October 28, 2014.

Passed and Approved:

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas S. Rogers
Municipal Clerk/Administrator